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Comments on:

413.1 Responsibilities of Owners, Managers, and Supervisory Professional Guardians

This regulation appears to have been drafted without an understanding of the way in which many certified professional guardianship agencies (“CPGA”) are organized. Many CPGA are non-profit corporations and do not have an “owner”. Others have Boards of Directors who may or may not be guardians. Instead, the Board of Directors may function much like the Multi-Disciplinary Advisory Panel that Office of Public Guardians are required to set up—a group of professionals who provide a problem-solving forum.

I am also concerned about regulations that require guardians to “ensure” certain types of behavior or regulations that use the word “reasonable.” For example, 413.1.1 states, “An owner...shall make reasonable efforts to ensure that the agency has in effect measures giving reasonable assurance....” A CPGA who wished to avoid liability can no longer simply provide good training and mentoring to staff, but must now create policy and procedure manuals. This has a cost.

The Board can create regulations that have significant financial impacts on guardians without any consideration of the cost. The Washington State Legislature has a process for legislation that has a cost to the State. A fiscal note is created to assess the cost to the State of implementation of a new law. The State recognizes that there must be a balance between the protection needed and keeping the State’s accounts balanced. The CPG Board does not seem to recognize that guardians are running small businesses and many of the Board’s regulations impose a cost. This is such a regulation.